

1OMB SUPPORTING STATEMENT
FOR FINAL RULE
10 CFR PARTS 20, 30, 40, 50, 70, and 72
DECOMMISSIONING PLANNING
(RIN 3150-AH45)
REVISION

DESCRIPTION OF THE INFORMATION COLLECTION

The Nuclear Regulatory Commission (NRC) is amending its regulations to improve each licensee's decommissioning planning activities while its facility is in an operating mode to reflect experience gained since promulgation of the general requirements for decommissioning nuclear facilities in 1988, and to improve the effectiveness, efficiency, and clarity of the rules. The decommissioning cost estimating and financial assurance regulations are part of the overall NRC strategy to maintain safety and protection of the public and the environment during and after decommissioning of nuclear facilities. The NRC is adding new requirements to 10 CFR part 20 to ensure that each licensee identifies and surveys significant residual radioactivity in the subsurface at its site to facilitate decommissioning of its facility at the end of its useful life. The NRC also is amending 10 CFR parts 30, 40, 50, 70, and 72 to strengthen the requirements pertaining to decommissioning cost estimates; eliminate certain financial mechanisms that the NRC has concluded might present risks and are not used by licensees; strengthen the requirements pertaining to other financial mechanisms; and strengthen certain reporting requirements pertaining to financial assurance. The Decommissioning Planning final rule makes no changes to existing regulations that require licensees or guarantors to provide adequate assurance during facility operations that funds for decommissioning activities will be available when needed. The amount of decommissioning financial assurance for power reactor licensees is specified in 10 CFR 50.75(c)(1) and (2), which were not amended in this final rule.

A. JUSTIFICATION

1. Need for and Practical Utility of the Collection of Information

Section 20.1403(c)(1) is amended to require the funds for financial assurance of long-term care and maintenance of a restricted release site to be placed into a trust segregated from the licensee's assets and outside the licensee's administrative control. This eliminates the possibility that a licensee could use any other form of prepayment, such as the escrow account, government fund, certificate of deposit, or deposit of government securities, which are currently authorized by the rule. The rule also adds a requirement that the adequacy of the trust fund established for long-term care and maintenance must be assessed on an assumed 1 percent annual real rate of return on investment.

This provision will help to ensure that the financial mechanisms used to provide financial assurance are secure in bankruptcy. No current licensees are affected because no restricted release sites are currently under long-term care and maintenance. An estimated 3 licensees may use restricted release in the future. However, they are not expected to use restricted release within this clearance period.

Section 20.1403(c)(2), which currently provides that a licensee whose license is being terminated under restricted conditions may use a surety method, insurance, or other

guarantee method described in 10 CFR 30.35(f)(2) to provide financial assurance to enable an independent third party to assume and carry out responsibilities for any necessary control and maintenance of the site, is removed.

This revision will help to ensure that the financial mechanisms used to provide financial assurance are secure in bankruptcy. No current licensees are affected because no restricted release sites are currently under long-term care and maintenance. No additional licensees will be affected by this provision in the future.

Section 20.1404(a)(5) adds a new provision specifying that one of the factors that the Commission must consider in determining whether to terminate a license under alternate criteria is whether the licensee has provided sufficient financial assurance to enable an independent third party, including a government custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site.

This provision will enable the NRC to ensure that license transfers are not made to entities that cannot provide sufficient financial assurance for control and maintenance of the site. No current licensees are affected because no restricted release sites are currently under long-term care and maintenance. The universe of licensees that may use restricted release in the future is estimated at 3. However, they are not expected to use restricted release within this clearance period.

Section 20.1406(c) is added requiring each licensee, to the extent practical, to conduct operations to minimize the introduction of residual radioactivity into the site, including the subsurface, in accordance with the existing radiation protection requirements in Subpart B and radiological criteria for license termination in Subpart E of part 20.

Current licensees will need to review the regulations and determine if they are affected by them. However, NRC believes no current licensees will need to implement additional monitoring or remediation because this provision merely clarifies requirements already present in 10 CFR part 20, which require minimization of significant residual activity at the site. The rule clarifies that minimization of residual radioactivity includes minimization including the subsurface. One NRC licensee and 4 Agreement State licensees may be affected in the future. However, they are not expected to be affected within this clearance period.

Section 20.1501(a) is amended to require each licensee to make or cause to be made surveys of areas, including the subsurface, that are reasonable under the circumstances to evaluate concentrations or quantities of residual radioactivity, and the potential radiological hazards of the radiation levels and residual radioactivity detected.

Section 20.1501(b) adds a requirement that records from surveys describing the location and amount of subsurface residual radioactivity identified at the site to be kept with records important for decommissioning, in §§ 30.35(g), 40.36(f), 50.75(g), 70.25(g), or 72.30(d), as applicable.

Current licensees will need to review the regulations and determine if they are affected by them. However, NRC believes no current licensees will need to implement additional monitoring or remediation under §§ 20.1501 (a) or (b) because this provision merely clarifies requirements already present in 10 CFR part 20, which requires surveys to be performed of potential radiological hazards. The rule clarifies that these survey

requirements include the subsurface. One NRC licensee and 4 Agreement State licensees may be affected in the future. However, they are not expected to be affected within this clearance period.

Section 30.34(b) is amended to add a new paragraph (b)(2) requiring an applicant for transfer of a license to include the identity, technical and financial qualifications of the proposed transferee, and the information on financial assurance for decommissioning required by 10 CFR §30.35.

This provision will ensure that the NRC has necessary information concerning the transferee and financial assurance for decommissioning to enable the agency to assess the application for transfer of the license.

Section 30.35 would be amended to add a new paragraph 30.35(c)(6) providing that if, in surveys made under §20.1501, residual radioactivity in the facility and the environment, including the subsurface, is detected at levels that would, if left uncorrected, prevent the site from meeting the §20.1402 criteria for unrestricted use, the licensee must submit a decommissioning funding plan within one year of when the survey is completed.

This provision ensures that if residual radioactivity is detected, the licensee provides a decommissioning cost estimate that addresses that residual radioactivity. In the past, licensees have used certification amounts for decommissioning financial assurance that did not take residual radioactivity into account, or they have developed decommissioning cost estimates based on the assumption that they will be able to meet the criteria for unrestricted use, but the presence of previously undetected residual radioactivity has made those certification amounts or decommissioning cost estimates inadequate.

Section 30.35(e)(1) requires that each decommissioning funding plan must be submitted for review and approval, that the decommissioning cost estimate is "detailed," and adds a list of elements that the DCE must contain. In particular, Section 30.35(e)(1)(i)(A) requires licensees to include in their decommissioning cost estimate an amount adequate to cover the cost of an independent contractor to perform all decommissioning activities; Section 30.35(e)(1)(i)(B) adds a new requirement that the DCE must cover the cost of meeting the § 20.1402 criteria for unrestricted release, unless the applicant or licensee can demonstrate its ability to meet the provisions of § 20.1403, and in that case the decommissioning cost estimate may be based on meeting the criteria of § 20.1403; Section 30.35(e)(1)(i)(C) requires the decommissioning cost estimate to address the volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the criteria for license termination; Section 30.35(e)(1)(i)(D) requires the DCE to include an adequate contingency factor.

Section 30.35(e)(1)(ii) adds a new requirement that the DFP must explain and justify the basis for using the key assumptions in the DCE.

Section 30.35(e)(1)(iv) adds a new requirement that the DFP contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate.

Section 30.35(e)(2) requires that if one of a list of events should occur, the licensee must assess the effect of the event on the cost of decommissioning and update the information submitted to adjust for changes in the costs and extent of decommissioning.

The provisions in §§30.35(e)(1) and (e)(2) incorporate into regulatory requirements criteria for the decommissioning funding plan and decommissioning cost estimate that are currently only recommended in regulatory guidance in NUREG-1757, Volume 3, Appendix A. In some cases licensees have not provided decommissioning funding plans or cost estimates that adequately addressed these criteria. By making them regulatory requirements, the NRC can ensure that they are addressed adequately.

Section 30.35(f) requires financial assurance instruments to include the licensee's name, license number, and docket number; the name, address, and contact information of the financial institution or trustee, as applicable; and to be revised and submitted to the NRC within 30 days of a change in this information.

This provision is necessary to ensure that the financial assurance information is, and remains, correct and up to date so that if it becomes necessary for the NRC to draw on the financial instrument it can do so without delay.

Section 30.35(f)(1) requires prepayment financial assurance for decommissioning to be in the form of a trust and eliminates the four other prepayment mechanisms, the escrow account, government fund, certificate of deposit, and deposit of government securities.

This provision is necessary to ensure that all financial instruments authorized for use by licensees will remain secure in bankruptcy. Licensees who are currently using a financial instrument that is being removed will need to obtain and submit an alternative financial instrument.

Section 30.35(f)(2) amends the list of surety, insurance, or other guarantee methods to eliminate the line of credit.

This provision is necessary to ensure that all financial instruments authorized for use by licensees will remain secure in bankruptcy. Any licensees using the line of credit would be affected, but NRC estimates that no licensees are currently affected.

Section 30.35(f)(3) requires that an external sinking fund be in the form of a trust in which deposits are made at least annually, coupled with a surety method, insurance, or other guarantee method, the value of which may decrease by the amount being accumulated in the sinking fund. If the other guarantee method is used, no surety or insurance may be combined with the external sinking fund.

This provision is necessary to ensure that all financial instruments authorized for use by licensees will remain secure in bankruptcy.

Section 30.35(h) requires licensees to use the financial assurance funds only for decommissioning activities and to monitor the balance of funds held to account for market variations and, if the balance falls below levels specified in this section, to replenish the funds and report the replenishment to the NRC within 30 days. If the balance at the end of the calendar quarter is below the amount necessary to cover the cost of decommissioning, but is not below 75 percent of that cost, the licensee must increase the balance to cover the cost within 30 days after the end of the calendar quarter. If the balance at any time falls below 75 percent of the amount necessary to

cover decommissioning, the licensee must increase the balance to cover the cost within 30 days of the occurrence.

This provision is necessary to ensure that the amount of funds available to cover the cost of decommissioning does not fall below the amount necessary. Because the decommissioning cost estimate will include a 25 percent contingency, replenishment is not required immediately if the amount in the fund remains above 75 percent of the cost of decommissioning, but is replenished within 30 days of the end of the calendar quarter. However, if the amount in the fund falls below 75 percent at any time, the fund must be replenished within 30 business days of the occurrence. Whenever the licensee is required to replenish the fund, it must provide a written report to the Director, Office of Federal and State Materials and Environmental Management Programs, of such replenishment. Such notice will enable the NRC, if necessary, to carry out additional regulatory monitoring of the fund to ensure that it is not subject to recurring losses or other financial problems.

Appendix A to 10 CFR Part 30, Section II. A amends the financial test for parent guarantee in the following ways: Section II. A specifies that tangible net worth must be calculated to exclude the net book value of the nuclear facility and site and any intangible assets, and net worth must be calculated to exclude the net book value and good will of the nuclear facility and site; Section II. A(1)(iii) specifies that tangible net worth must be at least \$21 million; Section II. A. 2(i) specifies that the current rating of the most recent bond issuance of AAA, AA, or A by Standard and Poor's may include adjustments of + or - (i.e., AAA+, AA+, or A+ and AAA-, AA-, and A-), and the current rating of Aaa, Aa, or A by Moody's may include adjustments of 1, 2, or 3. In addition, it specifies that the bond must be the most recent "uninsured, uncollateralized, and unencumbered" bond issuance; Section II. A(2)(iii) specifies that tangible net worth must be at least \$21 million; Section II. B requires the parent company's independent certified public accountant to evaluate the parent company's off-balance sheet transactions and provide an opinion on whether the transactions could materially adversely affect the parent company's ability to pay for decommissioning costs. This section also requires the accountant to verify that a bond rating, if used, meets the requirements of the financial test. The licensee must notify the NRC within 90 days of any matters coming to the auditor's attention which cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test; Section II. C. 1 requires a parent company guarantor to repeat passage of the test within 90 days after the close of each succeeding fiscal year and requires that the parent company provide documentation to the Commission of its continued eligibility to provide the guarantee within 90 days after the close of its fiscal year.

This provision clarifies the terms of the financial test and ensures that the NRC will be informed, when the test is used as the basis for financial assurance, that the entity providing the assurance continues to pass the test. In some cases in the past entities have initially passed the test but have failed to notify the NRC when they ceased to pass the test. The clarifications address topics that have raised questions in the past and will provide additional regulatory efficiency. The terms of the financial test also involve criteria for the opinions to be rendered by independent certified public accountants, who will be hired by the guarantors to supply services.

Appendix A to 10 CFR Part 30, Section III. amends the parent company guarantee in the following ways: Section III. B requires the parent company guarantor to provide

alternative financial assurance within 90 days after receipt by the licensee and the Commission of a notice of cancellation of the parent company guarantee if the licensee fails to provide alternate financial assurance; Section III.C requires the parent company guarantee to remain in effect until the Commission has terminated the license, accepted in writing the parent company's alternate financial assurances, or accepted in writing the licensee's financial assurances; Section III. D requires a parent company providing a parent company guarantee to set up a standby trust before the parent company guarantee agreement is submitted, and adds new criteria for selecting an acceptable trustee; Section III. E requires the guarantor to agree that it will be subject to Commission orders to make payments under the guarantee agreement; Section III. F requires the guarantor to agree that if the guarantor admits in writing its inability to pay its debts generally, or makes a general assignment for the benefit of creditors, or any proceeding instituted by or against the guarantor seeking to adjudicate it as bankrupt or insolvent, or seeking dissolution, liquidation, winding up, reorganization, arrangement, adjustment, protection, relief, or composition of it or its debts under any law relating to bankruptcy, insolvency, or reorganization or relief of debtors, or seeking the entry of an order for relief or the appointment of a receiver, trustee, custodian, or other similar official for the guarantor or for any substantial part of its property, or the guarantor takes any action to authorize or effect any of these actions, then the Commission may declare that the financial assurance is immediately due and payable to the standby trust and exercise any and all of its other rights under applicable law; Section III. G requires the guarantor to notify the NRC immediately, in writing, following the filing of a voluntary or involuntary petition for bankruptcy or the occurrence of any other event listed in Section III. F by or against the guarantor, the licensee, an entity controlling the licensee, or an affiliate. This notice must include a description of the event, including major creditors, the amounts involved, and the actions taken to assure the funds guaranteed by the parent company guarantee will be transferred to the standby trust as soon as possible; the identity of the bankruptcy court, if any, and the date of filing of any petitions.

This provision strengthens the terms of the guarantee, which states the basic obligation by the guarantor to provide financial assurance if called upon to do so. The guarantee is an agreement between the licensee and its parent company that states the parent will pay a specified amount of decommissioning costs in the event the licensee requires it. Because it is an internal arrangement, there are no financing costs. The actual cost of decommissioning is determined by the amount of cleanup that is required; it is not affected by internal arrangements within the licensee's organization. The guarantee instrument incorporates reporting requirements and other commitments by the guarantor. Including these requirements in the guarantee promotes additional regulatory efficiency by providing a trust for decommissioning funds to protect funds that are actually transferred to the licensee, and providing flexibility in responding to potential financial stress that could impede the guarantor's ability to honor its guarantee. However, the provision does not affect the amount of the guarantee or the cost of providing it to the licensee.

Appendix C to 10 CFR Part 30 amends the financial test for self guarantee in the following ways: Section II. A specifies that tangible net worth must be calculated to exclude the net book value of the nuclear facility and site and any intangible assets, and net worth must be calculated to exclude the net book value and good will of the nuclear facility and site; Section II. A (1) specifies that tangible net worth must be at least \$21 million; Section II. A.(3) specifies that the current rating of the most recent bond issuance of AAA, AA, or A by Standard and Poor's may include adjustments of + or - (i.e., AAA+,

AA+, or A+ and AAA-, AA-, and A-), and the current rating of Aaa, Aa, or A by Moody's may include adjustments of 1, 2, or 3. In addition, it specifies that the bond must be the most recent "uninsured, uncollateralized, and unencumbered" bond issuance; Section II. B.(2) requires the company's independent certified public accountant to evaluate the company's off-balance sheet transactions and provide an opinion on whether the transactions could materially adversely affect the parent company's ability to pay for decommissioning costs. This section also requires the accountant to verify that a bond rating, if used, meets the requirements of the financial test. The licensee must notify the NRC within 90 days of any matters coming to the auditor's attention which cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test; Section II. B.(3) requires the company to repeat passage of the financial test within 90 days after the close of each succeeding fiscal year and requires that the parent company provide documentation to the Commission of its continued eligibility to provide the guarantee within 90 days after the close of its fiscal year.

This provision clarifies the terms of the financial test and ensures that the NRC will be informed, when the test is used as the basis for financial assurance, that the entity providing the assurance continues to pass the test. In some cases in the past entities have initially passed the test but have failed to notify the NRC when they ceased to pass the test. The clarifications address topics that have raised questions in the past and will provide additional regulatory efficiency. The terms of the financial test also involve criteria for the opinions to be rendered by independent certified public accountants, who will be hired by the guarantors to supply services.

Appendix C to 10 CFR Part 30, Section III. amends the self guarantee in the following ways: Section III.E requires a company to notify the NRC in writing within 20 days after publication of a change by a rating service that reduces the rating of the licensee's most recent bond issuance below the level specified in the financial test; Section III. F requires the applicant or licensee to provide a written guarantee to the Commission; Section III. G requires the self guarantor to set up a standby trust before the self-guarantee agreement is submitted; Section III. H requires the guarantor to agree that if the guarantor admits in writing its inability to pay its debts generally, or makes a general assignment for the benefit of creditors, or any proceeding instituted by or against the guarantor seeking to adjudicate it as bankrupt or insolvent, or seeking dissolution, liquidation, winding up, reorganization, arrangement, adjustment, protection, relief, or composition of it or its debts under any law relating to bankruptcy, insolvency, or reorganization or relief of debtors, or seeking the entry of an order for relief or the appointment of a receiver, trustee, custodian, or other similar official for the guarantor or for any substantial part of its property, or the guarantor takes any action to authorize or effect any of these actions, then the Commission may declare that the financial assurance is immediately due and payable to the standby trust and exercise any and all of its other rights under applicable law; Section III. I requires the guarantor to notify the NRC immediately, in writing, following the filing of a voluntary or involuntary petition for bankruptcy or the occurrence of any other event listed in Section III. H by or against the guarantor. This notice must include a description of the event, including major creditors, the amounts involved, and the actions taken to assure the funds guaranteed by the guarantee will be transferred to the standby trust as soon as possible.

This provision strengthens the terms of the guarantee, which states the basic obligation by the guarantor to provide financial assurance if called upon to do so. The guarantee

instrument incorporates reporting requirements and other commitments by the guarantor. Including these requirements in the guarantee promotes additional regulatory efficiency.

Appendix D to 10 CFR Part 30, Section II. A amends the financial test for self guarantee by firms that do not issue bonds in the following ways: Section II. A (1) specifies that tangible net worth must be calculated to exclude the net book value of the nuclear facility and site and any intangible assets, and net worth must be calculated to exclude the net book value and good will of the nuclear facility and site; Section II. B (1) requires the company's independent certified public accountant to evaluate the company's off-balance sheet transactions and provide an opinion on whether the transactions could materially adversely affect the parent company's ability to pay for decommissioning costs. This section also requires the accountant to verify that a bond rating, if used, meets the requirements of the financial test. The licensee must notify the NRC within 90 days of any matters coming to the auditor's attention which cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test; Section II. B.(2) requires the company to repeat passage of the financial test within 90 days after the close of each succeeding fiscal year and requires that the parent company provide documentation to the Commission of its continued eligibility to provide the guarantee within 90 days after the close of its fiscal year.

This provision clarifies the terms of the financial test and ensures that the NRC will be informed, when the test is used as the basis for financial assurance, that the entity providing the assurance continues to pass the test. In some cases in the past entities have initially passed the test but have failed to notify the NRC when they ceased to pass the test. The clarifications address topics that have raised questions in the past and will provide additional regulatory efficiency. The terms of the financial test also involve criteria for the opinions to be rendered by independent certified public accountants, who will be hired by the guarantors to supply services.

Appendix D to 10 CFR Part 30, Section III. amends the self guarantee for firms that do not issue bonds in the following ways: Section III. D requires the applicant or licensee to provide a written guarantee to the Commission; Section III. E requires the self guarantor to set up a standby trust before the self-guarantee agreement is submitted; Section III. F requires the guarantor to agree that if the guarantor admits in writing its inability to pay its debts generally, or makes a general assignment for the benefit of creditors, or any proceeding instituted by or against the guarantor seeking to adjudicate it as bankrupt or insolvent, or seeking dissolution, liquidation, winding up, reorganization, arrangement, adjustment, protection, relief, or composition of it or its debts under any law relating to bankruptcy, insolvency, or reorganization or relief of debtors, or seeking the entry of an order for relief or the appointment of a receiver, trustee, custodian, or other similar official for the guarantor or for any substantial part of its property, or the guarantor takes any action to authorize or effect any of these actions, then the Commission may declare that the financial assurance is immediately due and payable to the standby trust and exercise any and all of its other rights under applicable law; Section III. G requires the guarantor to notify the NRC immediately, in writing, following the filing of a voluntary or involuntary petition for bankruptcy or the occurrence of any other event listed in Section III. H by or against the guarantor. This notice must include a description of the event, including major creditors, the amounts involved, and the actions taken to assure the funds guaranteed by the guarantee will be transferred to the standby trust as soon as possible.

This provision strengthens the terms of the guarantee, which states the basic obligation by the guarantor to provide financial assurance if called upon to do so. The guarantee instrument incorporates reporting requirements and other commitments by the guarantor. Including these requirements in the guarantee promotes additional regulatory efficiency.

Appendix E to 10 CFR Part 30, Section II. amends the financial test for non-profit colleges, universities, and hospitals in the following way: Sections II.A(1).and II. B. (1) specifies that the current rating of the most recent bond issuance of AAA, AA, or A by Standard and Poor's may include adjustments of + or - (i.e., AAA+, AA+, or A+ and AAA-, AA-, and A-), and the current rating of Aaa, Aa, or A by Moody's may include adjustments of 1, 2, or 3. In addition, it specifies that the bond must be the most recent "uninsured, uncollateralized, and unencumbered" bond issuance. Section II. C (1) requires the company's independent certified public accountant to evaluate the company's off-balance sheet transactions and provide an opinion on whether the transactions could materially adversely affect the parent company's ability to pay for decommissioning costs. This section also requires the accountant to verify that a bond rating, if used, meets the requirements of the financial test. The licensee must notify the NRC within 90 days of any matters coming to the auditor's attention which cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test; Section II. C.(2) requires the company to repeat passage of the financial test within 90 days after the close of each succeeding fiscal year and require that the licensee provide documentation to the Commission of its continued eligibility to use the self-guarantee within 90 days after the close of its fiscal year.

This provision clarifies the terms of the financial test and ensures that the NRC will be informed, when the test is used as the basis for financial assurance, that the entity providing the assurance continues to pass the test. In some cases in the past entities have initially passed the test but have failed to notify the NRC when they ceased to pass the test. The clarifications address topics that have raised questions in the past and will provide additional regulatory efficiency. The terms of the financial test also involve criteria for the opinions to be rendered by independent certified public accountants, who will be hired by the guarantors to supply services.

Appendix E to 10 CFR Part 30, Section III. amends the self guarantee for non-profit colleges, universities, and hospitals firms that do not issue bonds in the following ways: Section III. D requires the applicant or licensee to provide a written guarantee to the Commission; Section III. E requires the applicant or licensee to notify the NRC in writing within 20 days after publication of a change by a rating service that reduces the rating of the licensee's most recent bond issuance below the level specified in the financial test; Section III. F requires a licensee providing a self-guarantee to set up a standby trust, and adds new criteria for selecting an acceptable trustee. Section III. G requires the guarantor to agree that if the guarantor admits in writing its inability to pay its debts generally, or makes a general assignment for the benefit of creditors, or any proceeding instituted by or against the guarantor seeking to adjudicate it as bankrupt or insolvent, or seeking dissolution, liquidation, winding up, reorganization, arrangement, adjustment, protection, relief, or composition of it or its debts under any law relating to bankruptcy, insolvency, or reorganization or relief of debtors, or seeking the entry of an order for relief or the appointment of a receiver, trustee, custodian, or other similar official for the guarantor or for any substantial part of its property, or the guarantor takes any action to

authorize or effect any of these actions, then the Commission may declare that the financial assurance is immediately due and payable to the standby trust and exercise any and all of its other rights under applicable law; Section III. H requires the guarantor to notify the NRC immediately, in writing, following the filing of a voluntary or involuntary petition for bankruptcy or the occurrence of any other event listed in Section III. H by or against the guarantor. This notice must include a description of the event, including major creditors, the amounts involved, and the actions taken to assure the funds guaranteed by the guarantee will be transferred to the standby trust as soon as possible.

This provision strengthens the terms of the guarantee, which states the basic obligation by the guarantor to provide financial assurance if called upon to do so. The guarantee instrument incorporates reporting requirements and other commitments by the guarantor. Including these requirements in the guarantee promotes additional regulatory efficiency.

Section 40.36 is amended to add a new paragraph 40.36(c)(5) providing that if, in surveys made under §20.1501(a), residual radioactivity in the facility and the environment, including the subsurface, is detected at levels that would, if left uncorrected, prevent the site from meeting the §20.1402 criteria for unrestricted use, the licensee must submit a decommissioning funding plan within one year of when the survey is completed.

This provision will ensure that if residual radioactivity is detected, the licensee provides a decommissioning cost estimate that addresses that residual radioactivity. In the past, licensees have used certification amounts for decommissioning financial assurance that did not take residual radioactivity into account, or they have developed decommissioning cost estimates based on the assumption that they will be able to meet the criteria for unrestricted use, but the presence of previously undetected residual radioactivity has made those certification amounts or decommissioning cost estimates inadequate.

Section 40.36(d)(1) requires each decommissioning funding plan to be submitted for review and approval, requires the decommissioning cost estimate to be "detailed," and adds a list of elements that the DCE must contain. In particular, Section 40.36(d)(1)(i)(A) requires licensees to include in their decommissioning cost estimate an amount adequate to cover the cost of an independent contractor to perform all decommissioning activities; Section 40.36(d)(1)(i)(B) adds a new requirement that the DCE must cover the cost of meeting the § 20.1402 criteria for unrestricted release, unless the applicant or licensee can demonstrate its ability to meet the provisions of § 20.1403, and in that case the decommissioning cost estimate may be based on meeting the criteria of § 20.1403; Section 40.36(d)(1)(i)(C) requires the decommissioning cost estimate to address the volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the criteria for license termination; Section 40.36(d)(1)(i)(D) requires the DCE to include an adequate contingency factor.

Section 40.36(d)(1)(ii) adds a new requirement that the DFP explain and justify the basis for using the key assumptions in the DCE.

Section 40.36(d)(1)(iv) adds a new requirement that the DFP contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate.

Section 40.36(d)(2) requires that if one of a list of events should occur, the licensee must assess the effect of the event on the cost of decommissioning, and must update the decommissioning funding plan, considering the effects of the specified events.

The provisions in §§40.36(d)(1) and (e)(2) would incorporate into regulatory requirements criteria for the decommissioning funding plan and decommissioning cost estimate that are currently only recommended in regulatory guidance in NUREG-1757, Volume 3, Appendix A. In some cases licensees have not provided decommissioning funding plans or cost estimates that adequately addressed these criteria. By making them regulatory requirements, the NRC can ensure that they are addressed adequately.

Section 40.36(e) requires financial assurance instruments to include the licensee's name, license number, and docket number; the name, address, and contact information of the financial institution or trustee, as applicable; and to be revised within 30 days of a change in this information.

This provision is necessary to ensure that the financial assurance information is, and remains, correct and up to date so that if it becomes necessary for the NRC to draw on the financial instrument it can do so without delay.

Section 40.36(e)(1) requires prepayment financial assurance for decommissioning to be in the form of a trust and eliminates the four other prepayment mechanisms, the escrow account, government fund, certificate of deposit, and deposit of government securities.

This provision is necessary to ensure that all financial instruments authorized for use by licensees will remain secure in bankruptcy. Licensees who are currently using a financial instrument that is being removed will need to obtain and submit an alternative financial instrument.

Section 40.36(e)(2) amends the list of surety, insurance, or other guarantee methods to eliminate the line of credit.

This provision is necessary to ensure that all financial instruments authorized for use by licensees will remain secure in bankruptcy. Any licensees using the line of credit would be affected, but NRC estimates that no licensees are currently affected.

Section 40.36(e)(3) requires that an external sinking fund be in the form of a trust, which cannot be combined with a surety or insurance.

This provision is necessary to ensure that all financial instruments authorized for use by licensees will remain secure in bankruptcy.

Section 40.36(g) requires a licensee to monitor the balance of funds held to account for market variations and, if the balance falls below levels specified in this section, to replenish the funds and report the replenishment to the NRC within 30 days. If the balance at the end of the calendar quarter is below the amount necessary to cover the cost of decommissioning, but is not below 75 percent of that cost, the licensee must increase the balance to cover the cost within 30 days after the end of the calendar quarter. If the balance at any time falls below 75 percent of the amount necessary to cover decommissioning, the licensee must increase the balance to cover the cost within

30 days of the occurrence. Within 30 days of replenishing the funds, the licensee must report the new balance of the fund to the NRC.

This provision is necessary to ensure that the amount of funds available to cover the cost of decommissioning does not fall below the amount necessary. Because the decommissioning cost estimate will include a 25 percent contingency, replenishment is not required immediately if the amount in the fund remains above 75 percent of the cost of decommissioning, but is replenished within 30 days of the end of the calendar quarter. However, if the amount in the fund falls below 75 percent at any time, the fund must be replenished within 30 business days of the occurrence. Whenever the licensee is required to replenish the fund, it must notify the NRC of such replenishment within 30 days following the replenishment. Such notice will enable the NRC, if necessary, to carry out additional regulatory monitoring of the fund to ensure that it is not subject to recurring losses or other financial problems.

Section 40.46(b) is amended to require an applicant for transfer of a license to include the identity, technical and financial qualifications of the proposed transferee, and the information on financial assurance for decommissioning required by 10 CFR §40.36 or Appendix A, as applicable.

This provision will ensure that the NRC has necessary information concerning the transferee and financial assurance for decommissioning to enable the agency to assess the application for transfer of the license.

Part 40 Appendix A section II is amended to specify in Criterion 9(a) that the amount of funds ensured by surety arrangements may be based on a proposed revision to a Commission-approved plan submitted to the Commission for approval, if the proposed revision contains a higher cost estimate than the Commission-approved plan.

This provision will ensure that a licensee may increase the amount of its financial assurance prior to the approval of a revised cost estimate and decommissioning plan, if the proposed revision contains a higher cost estimate. This will allow a licensee to increase its assurance as soon as it identifies the need for such an increase, rather than waiting for Commission approval.

Part 40 Appendix A section II Criterion 9 (b)(1) is amended to require that a decommissioning cost estimate must contain a “detailed” cost estimate for decontamination, decommissioning, and reclamation, in an amount reflecting specified criteria. Criterion 9 (b)(1)(i) would require licensees to include in their decommissioning cost estimate an amount adequate to cover the cost of an independent contractor to perform all decontamination, decommissioning, and reclamation activities; Criterion 9 (b)(1)(ii) would require the cost estimate to include an adequate contingency factor.

Criterion 9 (b)(2) requires the cost estimate to include an estimate of the amount of radioactive contamination in onsite subsurface material.

Criterion 9 (b)(3) adds a new requirement that the DFP explain and justify the basis for using the key assumptions in the DCE.

Criterion 9 (b)(4) adds a new requirement that the DFP describe the method of assuring funds for decontamination, decommissioning, and reclamation.

Criterion 9 (f)(1) through (11) require the amount of surety liability to be adjusted to recognize any increases or decreases resulting from one of a list of events.

The revisions to Criterion 9 (b) and 9 (f) are necessary to ensure that the decommissioning cost estimate contains the information necessary to ensure that it is complete and accurate. The revisions make the requirements under Criterion 9 for uranium mills more closely similar to the requirements in 10 CFR Parts 30, 40, 70, and 72 with respect to decommissioning cost estimates and by providing greater consistency in the cost estimates will provide greater regulatory efficiency and consistency. In addition, the provisions in Criterion 9 incorporate into regulatory requirements criteria for the decommissioning funding plan and decommissioning cost estimate that are currently only recommended in regulatory guidance in NUREG-1757, Volume 3, Appendix A. In some cases licensees have not provided decommissioning funding plans or cost estimates that adequately addressed these criteria. By making them regulatory requirements, the NRC can ensure that they are addressed adequately.

Criterion 9 (i) eliminates cash deposits and certificates of deposit from the list of financial surety arrangements that are generally acceptable to the Commission. It adds trust funds and parent company guarantee under Appendix A to 10 CFR part 40 to the list of financial surety arrangements that are generally acceptable to the Commission. It also provides that if a trust is not used, then a standby trust must be set up to receive funds in the event the Commission or State regulatory agency exercises its right to collect the surety. It provides that the surety arrangement, and the surety or trustee, as applicable, must be acceptable to the Commission.

This provision is necessary to ensure that all financial instruments authorized for use by licensees will remain secure in bankruptcy. Any licensees using cash deposits or certificates of deposit will need to obtain and submit an alternative financial instrument.

Section 50.75(e)(1)(iii)(A) amends the list of surety, insurance, or other guarantee methods that may be used to provide financial assurance for decommissioning to eliminate the line of credit.

This amendment is necessary to ensure that the financial assurance mechanisms that are approved for use by licensees will be secure in bankruptcy so that the funds are available if needed. No licensees are expected to be affected.

Sections 50.75(f)(1) and 50.75(f)(2) are amended to add the words “of decommissioning funds” to the requirement that the information in the report must include the amount accumulated to the end of the calendar year preceding the date of the report, so that the requirement now reads “the amount of decommissioning funds accumulated to the end of the calendar year preceding the date of the report.” Both § 50.75(f)(1) and § 50.75(f)(2) also are amended to specify that if any of the list of items to be addressed in the report is not applicable, the licensee should so state in its report. The final sentence of both § 50.75(f)(1) and § 50.75(f)(2) is amended to clarify that all of its provisions pertain to any licensee for a plant that meets the criteria stated in the sentence.

These changes are not substantive requirements and are made to clarify the rule and enhance the clarity of information provided in the reports. They create no additional reporting or recordkeeping burden. By specifying that the reports required under §§

50.75(f)(1) and (f)(2) should include the amount of decommissioning funds accumulated, which in the context of this requirement means radiological decommissioning funds, the rule will clarify the NRC's intent that other categories of funds, such as spent fuel management funds, are not included. Indications of "not applicable" will eliminate potential ambiguities in the report. The change to the final sentence is intended to clarify the rule and imposes no substantive requirements.

Section 50.82(a)(4)(i) adds a new requirement that the post-shutdown decommissioning activities report submitted to the NRC must contain a site-specific decommissioning cost estimate, including the projected cost for managing irradiated fuel.

This provision is necessary to ensure that the NRC has the necessary information to determine if the licensee has sufficient funds to manage its irradiated fuel until title to the fuel and possession of it is transferred to the Secretary of Energy.

Section 50.82(a)(8)(v) adds a new requirement that a power reactor licensee must, following submittal of the certificate of permanent cessation of operation, submit annually on a calendar year basis a financial assurance status report. The reports would include information on the amount spent on decommissioning, both cumulative and over the previous calendar year, the remaining balance of any decommissioning funds, and the amount provided by other financial assurance methods being relied up; an estimate of the costs to complete decommissioning, reflecting any difference between actual and estimated costs for work performed during the year, and the decommissioning criteria on which the estimate is based; any modifications to the licensee's method of providing financial assurances occurring since the previous report; and any material changes to trust agreements or financial assurance contracts.

Section 50.82(a)(8)(vi) requires that if the sum of the balance of any remaining decommissioning funds, plus earnings on such funds calculated at not greater than a 2 percent real rate of return, together with the amount provided by other financial assurance methods being relied upon, does not cover the estimated cost to complete the decommissioning, the financial assurance status report must include additional financial assurance to cover the estimated cost of completion.

The provisions in §50.82(a)(8)(v) and (vi) are necessary to ensure that the NRC has the necessary information to determine if the licensee has and will have sufficient funds to complete decommissioning.

Section 50.82(a)(8)(vii) adds a new requirement that in the years following the submittal of the cost estimate for managing irradiated fuel, the licensee must annually submit to the NRC by March 31, a report on the status of its funding for managing irradiated fuel containing information, current through the end of the previous calendar year, on the amount of funds accumulated to cover the cost of managing the irradiated fuel, the projected cost of managing the irradiated fuel until title and possession of the fuel is transferred to the Secretary of Energy, and if the funds accumulated do not cover the projected cost, a plan to obtain additional funds to cover the cost.

This provision is necessary to ensure that the licensee has sufficient funds to manage its irradiated fuel until title to the fuel and possession of it is transferred to the Secretary of Energy.

Section 70.25 is amended to add a new paragraph 70.25(c)(5) providing that if, in surveys made under §20.1501(a), residual radioactivity in the facility and the environment, including the subsurface, is detected at levels that would, if left uncorrected, prevent the site from meeting the §20.1402 criteria for unrestricted use, the licensee must submit a decommissioning funding plan within one year of when the survey is completed.

This provision will ensure that if residual radioactivity is detected, the licensee provides a decommissioning cost estimate that addresses that residual radioactivity. In the past, licensees have used certification amounts for decommissioning financial assurance that did not take residual radioactivity into account, or they have developed decommissioning cost estimates based on the assumption that they will be able to meet the criteria for unrestricted use, but the presence of previously undetected residual radioactivity has made those certification amounts or decommissioning cost estimates inadequate.

Section 70.25(e)(1)(i) requires that each decommissioning funding plan must be submitted for review and approval, requires the decommissioning cost estimate to be "detailed," and adds a list of elements that the DCE must contain. In particular, Section 70.25(e)(1)(i)(A) requires licensees to include in their decommissioning cost estimate an amount adequate to cover the cost of an independent contractor to perform all decommissioning activities; Section 70.25(e)(1)(i)(B) adds a new requirement that the DCE must cover the cost of meeting the criteria for unrestricted release, unless the applicant or licensee can demonstrate its ability to meet the provisions of § 20.1403 and in that case the decommissioning cost estimate may be based on meeting the criteria of § 20.1403; Section 70.25(e)(1)(i)(C) requires the decommissioning cost estimate to address the volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the criteria for license termination. Section 70.25(e)(1)(i)(D) requires the DCE to include an adequate contingency factor.

Section 70.25(e)(1)(ii) adds a new requirement that the DFP explain and justify the basis for using the key assumptions in the DCE.

Section 70.25(e)(1)(iv) adds a new requirement that the DFP contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate.

Section 70.25(e)(2) requires that if one of a list of events should occur, the licensee must assess the effect of the event on the cost of decommissioning, and must update the decommissioning funding plan, considering the effects of the specified events.

The provisions in §§70.25(e)(1) and (e)(2) would incorporate into regulatory requirements criteria for the decommissioning funding plan and decommissioning cost estimate that are currently only recommended in regulatory guidance in NUREG-1757, Volume 3, Appendix A. In some cases licensees have not provided decommissioning funding plans or cost estimates that adequately addressed these criteria. By making them regulatory requirements, the NRC can ensure that they are addressed adequately.

Section 70.25(f) requires financial assurance instruments to include the licensee's name, license number, and docket number; the name, address, and contact information of the financial institution or trustee, as applicable; and to be revised and submitted to the NRC within 30 days of a change in this information.

This provision is necessary to ensure that the financial assurance information is, and remains, correct and up to date so that if it becomes necessary for the NRC to draw on the financial instrument it can do so without delay.

Section 70.25(f)(1) requires prepayment financial assurance for decommissioning to be in the form of a trust and would eliminate the four other prepayment mechanisms, the escrow account, government fund, certificate of deposit, and deposit of government securities.

This provision is necessary to ensure that all financial instruments authorized for use by licensees will remain secure in bankruptcy. Licensees who are currently using a financial instrument that is being removed will need to obtain and submit an alternative financial instrument.

Section 70.25(f)(2) amends the list of surety, insurance, or other guarantee methods to eliminate the line of credit.

This provision is necessary to ensure that all financial instruments authorized for use by licensees will remain secure in bankruptcy. Any licensees using the line of credit would be affected, but NRC estimates that no licensees are currently affected.

Section 70.25(f)(3) requires that an external sinking fund be in the form of a trust, which cannot be combined with a surety or insurance.

This provision is necessary to ensure that all financial instruments authorized for use by licensees will remain secure in bankruptcy.

Section 70.25(h) requires a licensee to monitor the balance of funds held to account for market variations and, if the balance falls below levels specified in this section, must replenish the funds and report the replenishment to the NRC within 30 days. If the balance at the end of the calendar quarter is below the amount necessary to cover the cost of decommissioning, but is not below 75 percent of that cost, the licensee must increase the balance to cover the cost within 30 days after the end of the calendar quarter. If the balance at any time falls below 75 percent of the amount necessary to cover decommissioning, the licensee must increase the balance to cover the cost within 30 days of the occurrence. Within 30 days of replenishing the funds, the licensee must provide a written report of the increase in the balance of the fund and the new balance of the fund to the Director, Office of Federal and State Materials and Environmental Management Programs, NRC.

This provision is necessary to ensure that the amount of funds available to cover the cost of decommissioning does not fall below the amount necessary. Because the decommissioning cost estimate will include a 25 percent contingency, replenishment is not required immediately if the amount in the fund remains above 75 percent of the cost of decommissioning, but is replenished within 30 days of the end of the calendar quarter. However, if the amount in the fund falls below 75 percent at any time, the fund must be replenished within 30 business days of the occurrence. Whenever the licensee is required to replenish the fund, it must notify the NRC of such replenishment within 30 days after the replenishment. Such notice will enable the NRC, if necessary, to carry out

additional regulatory monitoring of the fund to ensure that it is not subject to recurring losses or other financial problems.

Section 70.36(b) is amended to require an applicant for transfer of a license to include the identity, technical and financial qualifications of the proposed transferee, and the information on financial assurance for decommissioning required by 10 CFR §70.25.

This provision will ensure that the NRC has necessary information concerning the transferee and financial assurance for decommissioning to enable the agency to assess the application for transfer of the license.

Section 72.13 (c) is revised to add §§ 72.30 (b), (e), and (f) to the list of sections that apply to activities associated with a general ISFSI license and to provide that revised sections 72.30 (c) and (d) also apply to activities associated with a general ISFSI license.

The added and revised sections incorporate into regulatory requirements criteria for the decommissioning funding plan and decommissioning cost estimate that are currently only recommended in regulatory guidance in NUREG-1757, Volume 3, Appendix A. ISFSI general licensees prepare detailed cost estimates and the revisions to § 72.13 clarify what standards apply to those estimates.

Section 72.30(b) requires decommissioning funding plans to be submitted for review and approval. Section 72.30(b)(1) requires the decommissioning funding plan to contain information on how reasonable assurance will be provided that funds will be available to decommission the ISFSI or MRS. Section 72.30(b)(2) requires a detailed cost estimate for decommissioning, in an amount reflecting the following: Section 72.30(b)(2)(i) requires the decommissioning cost estimate to be in an amount adequate to cover the cost of an independent contractor to perform all decommissioning activities; Section 72.30(b)(2)(ii) would require the decommissioning cost estimate to include an adequate contingency factor; and Section 72.30(b)(2)(iii) would add a new requirement that the DCE must cover the cost of meeting the criteria for unrestricted release, unless the applicant or licensee can demonstrate its ability to meet the provisions of § 20.1403, and in that case the decommissioning cost estimate may be based on meeting the criteria of § 20.1403.

Section 72.30(b)(3) adds a new requirement that the decommissioning cost estimate identify and justify the key assumptions in the DCE.

Section 72.30(b)(5) adds a new requirement that the decommissioning cost estimate must identify the volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the criteria for license termination.

Section 72.30(b)(6) adds a new requirement that the DFP contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate.

The provisions in §§72.30(b)(2), (b)(3), (b)(5) and (b)(6) incorporate into regulatory requirements criteria for the decommissioning funding plan and decommissioning cost estimate that are currently only recommended in regulatory guidance in NUREG-1757, Volume 3, Appendix A. In some cases licensees have not provided decommissioning

funding plans or cost estimates that adequately addressed these criteria. By making them regulatory requirements, the NRC can ensure that they are addressed adequately

Section 72.30(c) requires that if one of a list of events should occur, the licensee must assess the effect of the event on the cost of decommissioning, and must update the decommissioning funding plan, considering the effects of the specified events.

This provision will ensure that decommissioning cost estimates, and the decommissioning financial assurance amounts that are based on the cost estimates, will not become inadequate due to the failure to take into account events that are likely to increase the costs of decommissioning.

Section 72.30(d) adds a new requirement that if surveys made under 10 CFR 20.1501(a) detect residual radioactivity in soils or ground water at levels that would require such radioactivity to be reduced to a level permitting release of the property for unrestricted use under decommissioning requirements in part 20, the licensee must submit a new or revised decommissioning funding plan within one year of when the survey is completed.

This provision will ensure that decommissioning funding plans must be revised in a timely manner to include the costs of reducing residual radioactivity in soils or ground water to levels permitting release of the site for unrestricted use.

Section 72.30(e) requires financial assurance instruments to include the licensee's name, license number, and docket number; the name, address, and contact information of the financial institution or trustee, as applicable; and to be revised and submitted to the NRC within 30 days of a change in this information.

This provision is necessary to ensure that the financial assurance information is, and remains, correct and up to date so that if it becomes necessary for the NRC to draw on the financial instrument it can do so without delay.

Section 72.30(e)(1) requires prepayment financial assurance for decommissioning to be in the form of a trust and would eliminate the four other prepayment mechanisms, the escrow account, government fund, certificate of deposit, and deposit of government securities.

This provision is necessary to ensure that all financial instruments authorized for use by licensees will remain secure in bankruptcy. Licensees who are currently using a financial instrument that is being removed will need to obtain and submit an alternative financial instrument.

Section 72.30(e)(2) amends the list of surety, insurance, or other guarantee methods to eliminate the line of credit.

This provision is necessary to ensure that all financial instruments authorized for use by licensees will remain secure in bankruptcy. Any licensees using the line of credit would be affected, but NRC estimates that no licensees are currently affected.

Section 72.30(e)(3) requires that an external sinking fund be in the form of a trust, which cannot be combined with a surety or insurance.

This provision is necessary to ensure that all financial instruments authorized for use by licensees will remain secure in bankruptcy.

Section 72.30(f)(3) is amended to correct the cross reference from § 72.30(d)(1) to § 72.30(f)(1) to reflect renumbering from (d) to (f). In § 72.30(f)(4), the reference to the certification amount is eliminated.

These changes are not substantive, and do not affect the reporting or recordkeeping burden.

Section 72.30(g), which is not applicable to ISFSI general licensees, requires Part 72 specific licensees to monitor the balance of funds held to account for market variations and, if the balance falls below levels specified in this section, to replenish the funds and report the replenishment to the NRC within 30 days. If the balance at the end of a calendar year is below the amount necessary to cover the cost of decommissioning, but is not below 75 percent of that cost, the licensee must increase the balance to cover the cost within 30 days after the end of the calendar year. If the balance at any time falls below 75 percent of the amount necessary to cover decommissioning, the licensee must increase the balance to cover the cost within 30 days of the occurrence. Within 30 days of replenishing the fund, the licensee must report the new balance of the fund to the Director, Office of Federal and State Materials and Environmental Management Programs, NRC.

This provision is necessary to ensure that the amount of funds available to cover the cost of decommissioning does not fall below the amount necessary. Because the decommissioning cost estimate will include a 25 percent contingency, replenishment is not required immediately if the amount in the fund remains above 75 percent of the cost of decommissioning, but is replenished within 30 days of the end of the calendar year. However, if the amount in the fund falls below 75 percent at any time, the fund must be replenished within 30 days of the occurrence. Whenever the licensee is required to replenish the fund, it must notify the NRC of such replenishment. Such notice will enable the NRC, if necessary, to carry out additional regulatory monitoring of the fund to ensure that it is not subject to recurring losses or other financial problems.

Section 72.50(b)(3) is amended to require an applicant for transfer of a license to describe the financial assurance that will be provided for the decommissioning of the facility under § 72.30.

This provision will ensure that the NRC has necessary information concerning the transferee and financial assurance for decommissioning to enable the agency to assess the application for transfer of the license.

Section 72.80(e) and (f) are amended to replace the reference to § 72.30(d) in both sections with a reference to § 72.30(f).

This provision is necessary to provide the proper cross reference. It creates no additional reporting or recordkeeping burden.

2. Agency Use of the Information

The NRC reviews and uses the records and reports that licensees are required to maintain during inspections, license renewals, and license amendment reviews to ensure the provision of an adequate level of protection of public health and safety, common defense and security, and the environment. Decommissioning cost estimates, decommissioning funding plans, certifications of financial assurance, terms and conditions of financial instruments, and other components of financial assurance are reviewed by NRC to ensure that a licensee has adequate procedures and funds for any necessary cleanup efforts before the licensee's responsibility for nuclear materials is terminated and the site is released for unrestricted use or the licensee is required to arrange for restricted use and long-term care and maintenance of the site.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages respondents to use information technology when it would be beneficial to them. NRC issued a regulation on October 10, 2003 (68 FR 58792), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means. It is estimated that less than 1 percent of the potential responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

The requirements do not duplicate information currently collected by the NRC. There is no similar information available to the NRC.

5. Effort to Reduce Small Business Burden

NRC recognizes that some of the licensees who would be regulated under these requirements are small businesses. However, it is not possible to reduce the burden on small businesses by less frequent or less complete reporting, recordkeeping and control procedures without reducing the efficacy of the amended decommissioning planning, cost estimating, and financial assurance regulations.

6. Consequences to Federal Program or Policy Activities if the Collection is Not Conducted or is Conducted Less Frequently

If the NRC does not require the information, it will be unable to determine if a licensee has adequately estimated the amount of funds necessary to decommission the licensed facility or if the licensee has made arrangements consistent with the regulatory requirements for decommissioning financial assurance to ensure that funds are available as necessary to carry out decommissioning. The schedule for collecting the information is the minimum frequency necessary to ensure that licensees will continue to conduct their decommissioning financial assurance programs in a manner that will ensure adequate protection of the public health and safety, common defense and security, and the environment.

7. Circumstances Which Justify Variation from OMB Guidelines

There is no variation from OMB guidelines.

8. Consultations Outside the NRC, Public Comments and Responses.

The NRC held a public workshop in April 2005 and a stakeholder meeting in January 2007 in which staff and stakeholders examined a number of topics that are being addressed in this rulemaking, including reporting and recordkeeping requirements.

An opportunity to comment on the proposed rule's information collection requirements was published in the *Federal Register* on January 22, 2008 (73 FR 3812). A total of 35 comment letters were received on the proposed rule, which are summarized below. The Office of Management and Budget commented on the information collection for the proposed rule as a comment and file.

Numerous commenters argued that the requirements for documenting subsurface contamination were unnecessary or too broad. One agreed that documentation of subsurface contamination should be placed in records important for decommissioning, as the rule requires. Others, however, said that documenting "any" leakage or spills, including small leaks and spills that are immediately cleaned up or that occur inside a building and are promptly cleaned up, is unnecessary. A commenter asked for clarification on the treatment of gaseous effluent releases to the environment, which are reported when they occur, but could be required to be reported a second time if they are deposited to the site due to rainout, washout, or other means. Another commenter said that the frequency of surveys was not clearly specified. In response to these comments, the NRC is clarifying, in the final rule and in associated regulatory guidance, when documentation is required to be placed in the records important for decommissioning. The NRC is explaining that the frequency of surveys and what constitutes significant residual radioactivity that must be recorded is highly dependent on site-specific conditions.

Commenters also argued that the proposed requirement to submit a Decommissioning Funding Plan (DFP) at 3-year intervals and at the time of license renewal could cause an excessive frequency of submissions because the license renewal interval for some licensees is typically 5 years. The NRC concluded, however, that frequent submissions of the Decommissioning Cost Estimate (DCE), which is included in the DFP, are desirable to ensure that the DCE remains accurate and reflects current prices for labor and materials, even in periods of rapid inflation. The NRC concluded that the benefits of frequent revisions to the DCE outweigh the costs, and is not revising the requirement in the final rule.

One commenter interpreted reporting requirements for licensees with power reactors in decommissioning status to also amend the requirements to provide funding for reactor decommissioning and for the management of irradiated fuel. However, the NRC is clarifying in the Statement of Considerations for the final rule that the reporting requirements do not amend in any way the requirements for financial assurance.

Commenters also argued that the requirements for replenishing shortfalls in the amount of funds set aside for financial assurance and notifying the NRC of the replenishment in §§ 30.35(h), 40.36(g), 70.25(h), and 72.30(g) were too stringent. The NRC has concluded that requiring the replenishment of decommissioning funds that fall below their required levels within 5 days is unnecessary, and has accepted the commenters' suggestion that the period be set at 30 days. However, the agency is not revising the requirement that licensees notify the NRC within 30 days after carrying out such a replenishment.

In comments on the OMB Supporting Statement submitted to OMB, the Nuclear Energy Institute (NEI) argued that NRC's justification for imposing new information collection requirements was flawed because the proposed rule, including the information collection requirements, was

designed to address problems that no longer existed because of intervening regulatory developments. In addition, NRC enforcement and oversight could address any problems more efficiently. Secondly, the NEI argued that the proposed information collection and recordkeeping requirements are not justified because current reporting and recordkeeping requirements are adequate, and any necessary clarification can be achieved in a less burdensome manner. NEI therefore concluded that the requirements of the Paperwork Reduction Act were not met because the required balancing of the burden against the need for the information showed that the burden was excessive. NEI argued that the estimate of the burden did not adequately include costs of new equipment, physical containment barriers, procedures, and training, which it suggested might total as much as \$500 thousand to \$1 million per nuclear power reactor. The NEI did not agree with the NRC's conclusion that the voluntary implementation of the nuclear industry's Groundwater Protection Initiative (GPI) will make it unnecessary for nuclear power reactors to take any additional significant steps to comply with the reporting and recordkeeping requirements of these rules.

In comments on the Federal Register notice of the proposed rules, the NEI again addressed only the reporting and recordkeeping requirements associated with 10 CFR 20.1406 and 20.1501. It noted that the estimate for the burden for part 50 implementation of those two provisions was zero. NEI then essentially summarized its previous comments on the OMB Supporting Statement, although it also addressed the proposed implementing guidance. It argued that the burden estimate in the Supporting Statement for implementation of the part 20 requirements by nuclear power reactors was "grossly inaccurate" because as "an industry, nuclear power plants have spent thousands of person hours and millions of dollars implementing the Industry Groundwater Protection Initiative. Given that the GPI is a voluntary effort and, to some degree, adopts a more graded approach to reevaluation of a site's hydrogeology, as an example, the amount of time and resources necessary to implement the proposed rule using the draft guidance are significantly greater than zero hours." The NRC, after careful consideration of these comments, has concluded that the commenters are correct that the time Part 50 licensees and Parts 30, 40, 70, and 72 licensees will need to spend to read and review the regulations in order to determine whether a particular facility is affected should have been included as part of the paperwork burden. Therefore, the burden estimate has been increased significantly for 10 CFR §§ 20.1406(c) and 20.1501(a) to account for the time necessary to read the regulations, determine their impact, if any, on the licensee, and prepare a record of this activity. The NRC, however, does not agree with the commenter that time and other resources used to implement the preexisting voluntary industry groundwater initiative for nuclear power plants are properly attributable as reporting or recordkeeping burden for this rule. Although the NRC received no public comments on the reporting and recordkeeping requirements in the proposed rule for 10 CFR parts 30, 40, 70, or 72, it has reviewed all of those provisions and in a few instances increased the burden estimates for particular sections of those rules. The NRC has added an estimate of the burden for 10 CFR part 50 licensees of changes to the financial test requirements in 10 CFR part 30, which are incorporated by reference into 10 CFR 50.75.

In the regulatory analysis supporting this final rule, the NRC estimated the costs of Part 50 licensees to implement the GPI over the 15-year analysis period to be about \$105 million (2007\$) at a 3 percent discount rate. These costs were not included in the cost of the final rule because they are incurred regardless of the eventual promulgation of this final rule. The GPI has different objectives than the amendments in this final rule, and the voluntary activities by power reactor licensees were undertaken before development of this rulemaking.

As noted above, the regulatory analysis was performed over a 15-year analysis period using 2007 dollars. The implementation of the final rule by industry, NRC and Agreement States was estimated to cost about \$43 million, over 15 years at a 3 percent discount rate. NRC licensee costs were estimated to be \$6 million, and NRC costs about \$3 million. Agreement State licensee costs were estimated to be \$22 million, and Agreement State costs about \$12 million.

9. Payment or Gifts to Respondents

Not applicable.

10. Confidentiality of Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.39(b).

11. Justification for Sensitive Questions

Not applicable.

12. Estimate of Annualized Burden and Burden Hour Cost

The burden associated with the information collections is given in Table 1 for one-time burden, Table 2 for annual recordkeeping burden, Table 3 for annual reporting burden, and Table 4 for third-party collections. This estimate of burden addresses only the burden of amendments to the existing rule that affect the information collection requirements. These estimates are based in part on information obtained from industry stakeholders in public meetings conducted by the NRC and on estimates made by NRC personnel who are familiar with the records and reports required.

The Agreement States, with some exceptions, have adopted radiation protection and financial assurance requirements that are similar or identical to the NRC's requirements. In general, the number of Agreement State licensees that would be affected by amendments to 10 CFR Parts 20, 30, 40, and 70 is estimated at approximately twice the number of equivalent NRC licensees. No Agreement State licensees are expected to be affected by the amendments to 10 CFR Parts 50 or 72. Due to the time necessary to carry out revisions to Agreement State statutes and regulations, no Agreement State licensees are expected to be affected within this clearance period.

13. Estimate of Other Additional Cost

The quantity of records to be maintained is roughly proportional to the recordkeeping burden (excluding third-party communications requirements that are not specifically recordkeeping) and therefore can be used to calculate approximate records storage costs. Based on the number of pages maintained for a typical clearance, the records storage cost has been determined to be equal to .0004 the recordkeeping burden cost. Therefore, the storage cost for this clearance is estimated to be \$197.44 (based on 2,074 recordkeeping hours x \$238 per hour x .0004).

14. Estimated Annualized Cost to the Federal Government

Table 5 describes the estimated annual cost to the NRC for administration of the reporting and recordkeeping requirements of this rule. The cost is fully recovered through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Change in Burden

The estimated annual burden of 4,708.5 hours for one-time recordkeeping (annualized), annual recordkeeping annual reporting, and annual third-party reporting burden of the rule represents new burden due to changes in the requirements. Of this, 1,226 hours, approximately 26%, are for one-time recordkeeping requirements.

The estimated annual burden has increased from the estimate provided in the clearance for the proposed rule. One-time recordkeeping requirements in Table 1 increased from 476 hours to 1,226 hours because, as explained above in section 8, the NRC concluded that an additional 750 hours should be estimated for licensees to read and become familiar with the requirement in §20.1406(c) and determine what actions, if any, they are required to take. Annual recordkeeping burden in Table 2 increased from 128 hours to 848 hours due to a increase in the estimated number of Part 72 general licensees estimated to be required to prepare and maintain decommissioning funding plans and cost estimates under §72.30(b) (1), (3), (5) and (6) and an associated increase of 720 hours in the estimated burden. In Table 3, Annual Reporting Burden, the estimated number of respondents increased from 93 to 188 due to an increase in the estimated number of respondents from 3 to 10 each for §50.82(a)(4)(i), § 50.82(a)(8)(v) and §50.82(a)(8)(vii), an estimated increase of 60 respondents for §72.30(c), and an estimated increase of 14 respondents for §72.30(g); and the annual reporting burden increased by 1,288 hours from 642.5 hours to 1,930.5 hours due to increases in the estimated burden of 160 hours, 56 hours, 56 hours, 960 hours, and 56 hours respectively. Finally, the estimate in Table 4 of annual third party burden increased from 568 to 720 hours due to an additional new estimate of 16 hours for CPA review of Part 50 financial test submissions and an additional new estimate of 120 hours for Part 72 licensees.

16. Publication for Statistical Use

None.

17. Reason for Not Displaying the Expiration Date

The requirement is contained in a regulation. Amending the Code of Federal Regulations to display information that, in an annual publication, could become obsolete would be unduly burdensome and too difficult to keep current.

18. Exceptions to the Certification Statement

Not applicable.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.

**1Table 1
One-Time Recordkeeping Requirements
(Annualized)**

(Maintenance period for records: L= Duration of License)

Section (Including Record Retention Period)	Number of Licensees	Burden Hours per Record	Total Burden Hours (Annualized)
20.1403(c)(1): Requires use of trust for FA for restricted release site and requires one percent real rate of return assumption for initial balance	No current licensees affected because no restricted release sites are currently under long-term care and maintenance. No restricted release sites are expected to be approved during this clearance period.		
20.1403(c)(2): Eliminates surety, insurance, or other guarantee as FA for restricted release site	No current licensees affected because no restricted release sites are currently under long-term care and maintenance. No restricted release sites are expected to be approved during this clearance period.		
20.1404(a)(5): Requires licensee to demonstrate adequate financial assurance for third party to maintain site under restricted release criteria	No current licensees are affected because no restricted release sites are currently under long-term care and maintenance. No restricted release sites are expected to be approved during this clearance period.		
20.1406(c): Requires licensees, to the extent practicable, to conduct operations to minimize the introduction of residual radioactivity into the site. Licensee will need to create a record that they considered the rule requirements and are conducting operations as required. (L)	1,500	1.5 hours	750
20.1501(a): Requires licensees to survey facility areas, including the subsurface, to evaluate residual radioactivity. Licensees will need to create a record that they considered the rule requirements and have performed any necessary surveys. (L)	Burden shown under 20.1406(c)		
20.1501(b): Requires records from surveys describing the location and amount of subsurface residual radioactivity identified at the site to be kept with records important for decommissioning.	Clarifies requirement already in 10 CFR Part 20 and therefore creates no additional burden.		

Section (Including Record Retention Period)	Number of Licensees	Burden Hours per Record	Total Burden Hours (Annualized)
30.35(f)(1): Requires prepayment financial assurance to be in form of trust with trust and trustee acceptable to Commission. (L)	10	4	13.3
30.35(f)(2): Eliminates line of credit.	0	0	0
30.35(f)(3): Requires external sinking fund to be in the form of a trust (L)	0	0	0
Appendix A, Section III Requires licensees using parent company guarantee to amend guarantee instrument (L)	23	24	184
Appendix A, Section III.D Requires licensees using parent company guarantee to set up standby trust (L)	23	4	30.7
Appendix C, Section III Requires licensees using self-guarantee to amend guarantee instrument (L)	11	24	88
Appendix C, Section III.G Requires licensees using self-guarantee to set up standby trust (L)	11	4	14.7
Appendix D, Section III. Requires licensees using self-guarantee for firms that do not issue bonds to amend guarantee instrument (L)	1	24	8
Appendix D, Section III.E Requires licensees using self-guarantee for firms that do not issue bonds to set up standby trust (L)	1	4	1.3
Appendix E, Section III Requires licensees using self-guarantee for non-profit colleges, universities, and hospitals to amend self-guarantee instrument	11	24	88

Section (Including Record Retention Period)	Number of Licensees	Burden Hours per Record	Total Burden Hours (Annualized)
Appendix E, Section III.F Requires licensees using self-guarantee for non-profit colleges, universities, and hospitals to set up standby trust (L)	11	4	14.7
40.36(e)(1): Requires prepayment FA to be in form of trust, with trust and trustee acceptable to Commission (L)	17	4	22.7
40.36(e)(2): Eliminates line of credit.	0	0	0
40.36(e)(3): Requires external sinking fund to be in form of a trust (L)	0	0	0
40 CFR Appendix A, Criterion 9(I): Requires external sinking fund to be in form of a trust (L)	0	0	0
50.75(e)(1)(iii)(A): Eliminates use of line of credit for decommissioning financial assurance	0	0	0
70.25(f)(1): Requires prepayment FA to be in form of trust (L)	8	4	10.6
70.25(f)(2): Eliminates line of credit.	0	0	0
70.25(f)(3): Requires external sinking fund to be in form of trust (L)	0	0	0
72.30(e)(1): Requires prepayment FA to be in form of trust (L)	0	0	0
72.30(e)(2): Eliminates line of credit.	0	0	0
72.30(e)(3): Requires external sinking fund to be in the form of a trust (L)	0	0	0
Table 1 TOTAL:			1,226

Table 2
Annual Recordkeeping Burden
(Maintenance Period for Records: L= Duration of License)

Section (Including Record Retention Period)	Number of Recordkeepers	Burden Hours per Recordkeeper	Total Annual Burden Hours
20.1406(c) Requires licensee, to extent practicable, to conduct operations to identify residual radioactivity at the site, including the subsurface, and maintain survey record with records important for decommissioning (L)	No current licensees affected because this provision merely clarifies requirements already present in 20.1406. One NRC licensee expected to be affected in the future, but not during this clearance period.		
20.1501 Requires licensee to make surveys of areas, including subsurface, that are reasonable under the circumstances, to evaluate the magnitude and extent of radiation levels, concentrations or quantities of residual radioactivity (L)	No current licensees affected because this provision merely clarifies requirements already present in 20.1501. One NRC licensee expected to be affected in the future, but not during this clearance period.		
30.35(e)(1) Revises specifications for contents of decommissioning funding plan and decommissioning cost estimate (L)	0 (Licensees already comply)	16	0
40.36(d)(1) Revises specifications for contents of decommissioning funding plan and decommissioning cost estimate (L)	0 (Licensees already comply)	16	0
Part 40 Appendix A Criterion 9(b) Revises specifications for contents of decommissioning funding plan and decommissioning cost estimate (L)	8	16	128
70.25(e)(1) Revises specifications for contents of decommissioning funding plan and decommissioning cost estimate (L)	0 (Licensees already comply)	16	0
72.30(b)(1),(b)(3),(b)5), (b)(6) Revises specifications for contents of decommissioning funding plan and decommissioning cost estimate (L)	45 general licensees (Specific licensees already comply)	16	720
72.30(f)(3) and (f)(4) clarifies the requirements for records important for decommissioning.	These changes clarify the requirement but are not substantive and do not create any additional recordkeeping burden.		
Table 2: Total			848

**Table 3
Annual Reporting Burden**

Section	Number of Respondents	Responses per Respondent	Total Responses	Burden per Response (hours)	Total Burden Hours
30.34(b)(2) Applicant for transfer of a license must submit information on the identity, technical and financial qualifications of the proposed transferee and information on financial assurance for decommissioning	3	1	3	0.5	1.5
30.35(c)(6) If residual radioactivity is detected in surveys under 20.1501, licensee must submit new decommissioning funding plan within one year	1	1	1	40	40
30.35(e)(1)(i) Requires decommissioning cost estimate to be submitted for review and approval	Licensees already comply with requirement to submit decommissioning cost estimate. Burden for new NRC approvals of cost estimates is shown in Table 5.				
30.35(e)(2) Specifies requirements for when decommissioning funding plan and decommissioning cost estimate must be amended	10	1	10	16	160
30.35(h) Requires report to NRC if licensee replenishes fund for decommissioning	5	1	5	4	20
Appendix A Section II.C Requires parent guarantor to provide documentation of continued eligibility to provide guarantee within 90 days after close of its fiscal year	23	1	23	4	92
Appendix C Section II.B (3) Requires self- guarantor to provide documentation of continued eligibility to provide guarantee within 90 days of close of its fiscal year	11	1	11	4	44

Section	Number of Respondents	Responses per Respondent	Total Responses	Burden per Response (hours)	Total Burden Hours
Appendix D Section II.B.(2) Requires self- guarantor to provide documentation of continued eligibility to provide guarantee within 90 of close of its fiscal year	1	1	1	4	4
Appendix E Section II.C. (2) Requires self-guarantor to provide documentation of continued eligibility to provide guarantee within 90 of close of its fiscal year	11	1	11	4	44
40.36(c)(5) If residual radioactivity detected in surveys under 20.1501 exceeds unrestricted use criteria, licensee must submit new decommissioning funding plan within one year	Licensees switching from cert. to dfp=1	1	1	40	40
	Licensees amending dfps=2	1	2	16	32
40.46(b) Applicant for transfer of a license must submit information on the identity, technical and financial qualifications of the proposed transferee and information on financial assurance for decommissioning	1	1	1	0.5	0.5
40.36(f) Requires report to NRC if licensee replenishes fund for decommissioning	5	1	5	4	20
50.75(f)(1): Changes “combined license” to “combined operating license”, clarifies that existing reporting requirement pertains to decommissioning funds; requires a licensee to state in the report if any of the items required to be addressed in the report are not applicable, and clarifies without changing the applicability of the section to plant licensees.	Clarifies the section without adding any new reporting burden.				

Section	Number of Respondents	Responses per Respondent	Total Responses	Burden per Response (hours)	Total Burden Hours
50.75(f)(2): Clarifies that existing reporting requirement pertains to decommissioning funds; requires a licensee to state in the report if any of the items required to be addressed in the report are not applicable, and clarifies without changing the applicability of the section to plant licensees.	Clarifies the section without adding any new reporting burden.				
50.82(a)(4)(i) Post-shutdown decommissioning activities report must include cost estimate for managing irradiated fuel	10	1	10	16	160
50.82(a)(8)(v) and (vi) Requires annual report on status of radiological decommissioning funding following permanent cessation of operations	10	1	10	8	80
50.82(a)(8)(vii) Requires annual report on status of funding for managing irradiated fuel	10	1	10	8	80
70.25(c)(5) If residual radioactivity is detected in surveys under 20.1501, licensee must submit new decommissioning funding plan within one year	Licensee switches from cert. to dfp=1	1	1	40	40
	Licensee amends dfp=2	1	2	16	32
70.25(h) Requires report to NRC if decommissioning funds are replenished by licensee	5	1	5	4	20
70.36 Applicant for transfer of a license must submit information on the identity, technical and financial qualifications of the proposed transferee and information on financial assurance for decommissioning	1	1	1	0.5	0.5

Section	Number of Respondents	Responses per Respondent	Total Responses	Burden per Response (hours)	Total Burden Hours
72.13 Amends the authority citation for part 72 to specify that §§ 72.30 (b), (c), (d), (e), and (f) apply to activities associated with a general license.	Estimates of the burden associated with this amendment are provided under §§ 72.30 (b), (c), (d), (e) and (f) Sections 72.30(b), (e) and (f) are addressed in Table 2, Annual Recordkeeping Burden.				
72.30(c), a new provision, requires the decommissioning funding plan to be re-submitted at the time of license renewal and every 3 years, and be updated to address the effect of specified events on decommissioning costs.	45 general licensees, plus 15 specific licensees = 60 licensees	1	60	16	960
72.30(d), a new provision, requires the decommissioning funding plan to be revised if surveys made under § 20.1501(a) identify residual radioactivity in soils or ground water at levels that would require it be reduced to a level permitting release of the property for unrestricted use.	45 general licensees, plus 15 specific licensees = 60 licensees	0	0	16	0
72.30(g) Requires report to NRC if decommissioning funds are replenished by licensee	15 specific licensees	1	15	4	60
72.50(b)(3) Applicant for transfer of a license must describe the financial assurance for decommissioning	0	0	0	0	0
Table 3 Total:			188		1,930.5

**Table 4
Annual Third-Party Burden**

10 CFR Part 20	Number of Responses	Burden Hours per Response	Total Annual Burden Hours
	0	0	0
10 CFR Part 30	Number of Responses	Burden Hours per Response	Total Annual Burden Hours
30.35(f) Financial instrument providers amend financial assurance instruments to include the licensee's name, license number, and docket number; the name, address, and contact information of the financial institution or trustee; instruments to be revised within 30 days of a changes in this information	40	2	80
Appendix A, Section II.B CPAs provide new opinions on off-balance sheet transactions and bond ratings	23	8	184
Appendix C, Section II.B.(2) CPAs provide new opinions on off-balance sheet transactions and bond ratings	11	8	88
Appendix D, Section II.B (1) CPAs provide new opinions on off-balance sheet transactions and bond ratings	1	8	8
Total Part 30	75		360
10 CFR Part 40	Number of Responses	Burden Hours per Response	Total Annual Burden Hours
Appendix E, Section II.C.(1) CPAs provide new opinions on off-balance sheet transactions	11	8	88

40.36(e) Financial instrument providers amend financial assurance instruments to include the licensee's name, license number, and docket number; the name, address, and contact information of the financial institution or trustee; instruments to be revised within 30 days of a changes in this information	20	2	40
Total Part 40	31		128
10 CFR Part 50	Number of Responses	Burden Hours per Response	Total Annual Burden Hours
CPAs provide new opinions on off-balance sheet transactions and bond ratings	2	8	16
Total Part 50	2	8	16
10 CFR Part 70	Number of Responses	Burden Hours per Response	Total Annual Burden Hours
70.25(f) Financial instrument providers amend financial assurance instruments to include the licensee's name, license number, and docket number; the name, address, and contact information of the financial institution or trustee; instruments to be revised within 30 days of a changes in this information	40	2	80
Total Part 70	40	2	80
10 CFR Part 72	Number of Responses	Burden Hours per Response	Total Annual Burden Hours

72.30(e) Financial instrument providers amend financial assurance instruments to include the licensee's name, license number, and docket number; the name, address, and contact information of the financial institution or trustee; instruments to be revised within 30 days of a changes in this information	60	2	120
Total Part 72	60	2	120
Table 4 Total	208		704

TOTAL BURDEN: 4,708.5 hours (1,226 hours one-time recordkeeping annualized + 848 hours annual recordkeeping + 1,930.5 hours reporting + 704 hours third-party reporting)

TOTAL NUMBER OF HOURS NEEDED ANNUALLY: 4,708.5 hours (10 CFR 20 – 750 hours; 10 CFR 30 – 1,208.2 hours; 10 CFR 40 – 371.2 hours; 10 CFR 50 – 336 hours; 10 CFR 70 – 183.1 hours; 10 CFR 72 – 1,860 hours)

TOTAL RESPONSES: 396 responses (10 CFR 20 – 0 responses; 10 CFR 30 – 140 responses; 10 CFR 40 – 40 responses; 10 CFR 50 – 32 responses; 10 CFR 70 – 49 responses; 10 CFR 72 – 135 responses)

ANNUAL RESPONDENTS: 396 respondents (10 CFR 20 – 0 respondents; 10 CFR 30 – 140 respondents; 10 CFR 40 – 40 respondents; 10 CFR 50 – 32 respondents; 10 CFR 70 – 49 respondents; 10 CFR 72 – 135 respondents)

AVERAGE BURDEN PER RESPONSE: 11.8 hours (4,708.5/396 = 11.9)

Table 5
Annualized NRC Burden

NRC Action	Number of Actions/Year	Burden Hours per Action	Total Hours (Annualized)
20.1404(a)(5): Review applications for transfer of license	0	16	0
30.35(c)(6): Review new decommissioning funding plans	3	16	16
30.35(e)(2)(i) Review decommissioning cost estimates	10	16	53.3
30.35(h) Review reports of fund replenishment	5	1	1.7

NRC Action	Number of Actions/Year	Burden Hours per Action	Total Hours (Annualized)
App A II.C Review financial test documentation	23	4	30.7
App A III Review new guarantee instruments	23	4	30.7
App A. III.D Review new standby trusts	23	4	30.7
App C. II.B Review financial test documentation	11	4	14.7
App C. III Review new guarantee instruments	11	4	14.7
App C. III.G. Review new standby trusts	11	4	14.7
App D. II.B.(2) Review financial test documentation	1	4	1.3
App. D. III Review new guarantee instruments	1	4	1.3
App. D. III.E. Review new standby trusts	1	4	1.3
App. E, II.C. (2) Review financial test documentation	11	4	14.7
App. E. III Review new guarantee instruments	11	4	14.7
App. E. III.F Review new standby trusts	11	4	14.7
40.36(c)(5) Review new decommissioning funding plans reflecting detection of residual radioactivity	3	4	4
40.46(1) and (2): Review application for transfer of license	1	4	1.3
40.36(f) Review report of fund replenishment	5	1	1.7
Part 40 Appendix A Criterion 9: Review decommissioning cost estimates	8	4	10.7
50.82(a)(4)(i): Review cost estimates in PSDAR	3	4	4
50.82(a)(8)(v) and (vi) Review annual reports on status of radiological decommissioning funding	3	1	1
50.82(a)(8)(vii): Review annual reports on status of funding for managing irradiated fuel	3	2	2
70.25(c)(5): Review decommissioning funding plans submitted after detection of residual radioactivity	3	4	4
70.25(h) Review reports of replenishment of decommissioning funding	5	1	1.7
70.36: Review applications for transfer of license	1	4	1.3

NRC Action	Number of Actions/Year	Burden Hours per Action	Total Hours (Annualized)
72.30(g) Review reports of replenishment of decommissioning funding	1	1	0.3
Total			287.2